

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRIS NEWMAN,

Plaintiff,

07 Civ. 5622 (DAB)

-against-

DEFENDANTS AMENDED
ANSWER TO PLAINTIFF'S
COMPLAINT

METRO-NORTH COMMUTER RAILROAD
347 Madison Avenue
New York, New York 10017

AND

JONES LANG LaSALLE
25 Vanderbilt Avenue, Hall 1-A
New York, New York 10017

Defendants.

-----X

Defendants, Metro-North Commuter Railroad, (hereinafter referred to as "Metro-North") and Jones Lang LaSalle (herein after "LaSalle"), by their attorney, Richard K. Bernard, Esq., as and for their Amended Answer to Plaintiff's Complaint, respond as follows:

1. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph(s) 1 of the complaint.

2. Defendant Metro-North denies the allegations contained in paragraph(s) 2 of the Complaint, except Metro-North admits that it is a public benefit corporation, organized pursuant to the laws of the State of New York and engaged in the operation of a railroad system.

3. Defendant LaSalle admits the allegations contained in paragraph 3 of the complaint.

4. Defendants neither admits nor deny the allegations contained in paragraph 4 of the complaint referring all question of law and fact to judge and jury.

ANSWERING COUNT I
Chris Newman v. Metro-North Commuter Railroad

5. Defendant Metro-North repeats and reasserts each and every answer made to paragraph(s) 1 through 4 of plaintiff's complaint in response to the allegations contained in paragraph 4 (sic) of the complaint as if more fully set forth herein.

6. Defendant, Metro-North admits the allegations contained in paragraph(s) 5 and 6 of the complaint.

7. Defendant, Metro-North denies the allegations contained in paragraph(s) 7, 8 a. thru g., 9 and 10 of the complaint.

ANSWERING COUNT II
Chris Newman v. Jones Lang LaSalle

8. Defendant LaSalle repeats and reasserts each and every answer made to paragraph(s) 1 through 10 of plaintiff's complaint in response to the allegations contained in paragraph 11 of the complaint as if more fully set forth herein.

9. Defendant LaSalle denies each and every allegation contained in paragraph(s) 12 a. thru f., 13, and 14 of the complaint

AS AND FOR FIRST AFFIRMATIVE DEFENSE

10. As and for an affirmative defense, or as a defense in mitigation of damages, the defendants claim that any injuries allegedly sustained by the plaintiff were caused, in whole or in part, by reason of the culpable conduct of the plaintiff.

AS AND FOR SECOND AFFIRMATIVE DEFENSE

11. As and for a second affirmative defense, defendants allege that any reference in plaintiff's complaint alleging "guilt" or "unlawful conduct" should be stricken pursuant to F.R.C.P. 12(f).

WHEREFORE, the defendants, demand judgment dismissing the complaint and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
December 18, 2007

RICHARD K. BERNARD
GENERAL COUNSEL

By: 
JESSE A. RAYE

Attorney for Defendants,
Metro-North Commuter Railroad &
Jones Lang LaSalle
347 Madison Avenue, 19th Fl.
New York, New York 10017
212-340-2538 JAR-2009

TO: Michael H. Zhu, Esq.
Attorney for Plaintiff
14 Wall Street, 22nd Floor
New York, New York 10005
212-227-2245

Paul Riley Esq.
Barish & Rosenthal
Bell Atlantic Tower,
1717 Arch Street, Suite 4020
Philadelphia PA 19103
215-923-8900

STATE OF NEW YORK :
 :ss:
COUNTY OF NEW YORK:

Nellie Foreman Ramos, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the New York, New York.

On December _____, 2007, I served a true copy of the annexed Defendants Amended Answer to Plaintiff's Complaint, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO: Michael H. Zhu, Esq.
Attorney for Plaintiff
14 Wall Street, 22nd Floor
New York, New York 10005
212-227-2245

Paul Riley Esq.
Barish & Rosenthal
Bell Atlantic Tower,
1717 Arch Street, Suite 4020
Philadelphia PA 19103
215-923-8900

Nellie Foreman Ramos

Sworn to before me this
____day of December, 2007

NOTARY PUBLIC

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RULE 7.1 STATEMENT

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AND

JONES LANG LaSALLE
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New York, New York 10017

Defendants.

-----X

METRO-NORTH COMMUTER RAILROAD ("Metro-North") is a public benefit corporation. (See N.Y. Pub. Auth. L. §§1260, et seq. (McKinney 1982 & Supp. 1992)). Accordingly, Rule 7.1 does not apply to Metro-North.

JONES LANG LaSALLE, is a subsidiary of JONES LANG LaSALLE AMERICA's Inc, Chicago Illinois. The defense and indemnification of JONES LANG LaSALLE in this cause of action has been undertaken by Metro-North.

Dated: New York, New York
December 19, 2007

RICHARD K. BERNARD
GENERAL COUNSEL

By: 
JESSE A. RAYE

Attorney for Defendants,
Metro-North Commuter Railroad
Jones Lang LaSalle
347 Madison Avenue, 19th Fl.
New York, New York 10017
212-340-2538 JAR 2009

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212-340-2538

JESSE A. RAYE

19TH FLOOR

DEFENDANTS